

**REMARKS**

Claims 1-4, 6-13, 15-21 and 23-26 are pending in this application. By this Amendment, claims 1 and 10 are amended. Reconsideration of the present application based on the above amendments and the following remarks is respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because e.g. they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

**I. The Claims Define Allowable Subject Matter**

Claims 1-4, 6-13, 15-21 and 23-26 are rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,546,191 to Hibi et al. in view of U.S. Patent No. 4,963,995 to Lang. This rejection is respectfully traversed.

None of the applied art teaches, discloses or suggests a playback system for replaying an indexed recording that allows simultaneous recording of the activity while replaying an index recording of the activity, as claimed in claim 1 and similarly claimed in claim 10.

The Examiner admits that Hibi fails to teach the above recited features of the claimed invention. However, the Examiner asserts that Lang makes up for this deficiency. Applicants respectfully disagree.

Lang discloses that an object of the invention of Lang is to provide an improved audio/video recorder for simultaneously playing, viewing, recording and/or mixing digital and analog audio/video programs from different digital and analog audio/video sources or storage media. As such, Lang does not disclose replaying of an indexed recording that allows simultaneous recording of the activity while replaying an index recording of the activity.

As discussed at least page 5 of the present application, the playback subsystem 230 in conjunction with the recording subsystem 210, allows simultaneous recording of the activity and playing back of the recording, so that activity participants may review a previously-recorded and indexed portion of the activity while that review is simultaneously being recorded by the recording system 210 and indexed to the current index heading. The applied are does not disclose such a feature.

Withdrawal of the rejection of the claims under 35 U.S.C. §103(a) is respectfully requested.

## **II. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Kevin M. McKinley  
Registration No. 43,794

JAO:KMM/jfb

Date: **March 7, 2005**

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 24-0037</p>
--